

**UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
007625,993	04/01/96	STRAATS	E 04860.F1885

LM21/0423  
BLAKELY SOKOLOFF TAYLOR & ZAFMAN  
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EXAMINER	
THLANG, E	
ART UNIT	PAPER NUMBER
2781	10/11/98

DATE MAILED: 04/23/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

08/625,993

Applicant(s)

Straats, Erik P.

Examiner

Eric S. Thlang

Group Art Unit

2781



☒ Responsive to communication(s) filed on Mar 26, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 6, 10-12, 18, and 22 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☒ Claim(s) 22 is/are allowed.

☒ Claim(s) 6, 10, and 18 is/are rejected.

☒ Claim(s) 11 and 12 is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

### **Part III DETAILED ACTION**

#### *Response to Amendment*

1. This Office Action is responsive to the amendment filed March 26, 1998.
2. The applicant has canceled claims 8, 9, 13-15, 17, 19, 21, and 23, and amended claims 6, 10, 11, 12, 18, and 22. Once again, claims 6, 10-12, 18, and 22 are present for reexamination.

#### *Allowable Subject Matter*

3. Now independent claim 22 is allowable over the prior art of record.

#### *Drawings*

4. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.
5. Direct any inquires concerning drawing review to the Drawing Review Branch at (703) 305 - 8404.
6. Applicant filed amendment on March 26, 1998 have been fully considered but are moot in view of the new grounds of rejection. New prior arts have been found to cover this aspect of the invention.

*Claim Rejections - 35 U.S.C. § 103*

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 6, 10, and 18 are rejected under 35 U.S.C. § 103 as being unpatentable over Worsley et al. (U.S. 5,668,811) in view of Ashton et al. (U.S. 5,317,692).

Worsley (5668811) discloses (e.g., see Figs. 1-26, and abstract) the invention substantially as claimed:

As per claim 6, Worsley teaches a method comprising a configuring of an isochronous channel including a linked list of buffers within a computer system to receive isochronous data at said linked list of buffers (see col. 11, lines 22-40). However, Worsley et al. do not explicitly teach the limitations of adding a sender

client configured to transmit said isochronous data to said isochronous channel. On the other hand, Ashton et al. (5317692) teach the above limitations (e.g., see Fig. 5, element# 504; and col. 7, lines 12-60). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Ashton et al. within the system of Worsley et al. since the object of Ashton et al.'s teachings is to improve method in a communications controller to transfer data between a controller and a host computer, which the communications controller includes a channel adapter that forms the data interface to a data link to the host computer.

As per claim 10, Worsley et al. teach all claimed limitations as applied to claims above. Furthermore, Worsley et al. teach the sender client is a software driver routine associated with a sender node of said computer system (see col. 16, lines 34-55).

As per independent claim 18, Worsley et al. teach all claimed limitations as applied to claims above. Furthermore, Worsley et al. teach an apparatus, comprising an isochronous data path including a linked list of buffers configured to receive isochronous data transmitted over said data path (e.g., see col. 12, lines 19-67).

9. Claims 11-12 are objected to as being dependent upon a rejected base claim, it would be allowable if written in an independent form including all of the limitations of the base claim and any intervening claims.

### *Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric S. Thlang whose telephone number is (703) 305-4004. The examiner can normally be reached on Monday - Thursday from 7:00 a.m. to 4:30 p.m. The examiner can also be reached on alternate Fridays during the same hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh, can be reached on (703) 305-9648. The fax phone number for this Group is (703) 308-9051 or (703) 308-9052.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [[Ayza.sheikh@uspto.gov](mailto:Ayza.sheikh@uspto.gov)].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

  
**JACK B. HARVEY**  
**SUPERVISORY PATENT EXAMINER**  
**GROUP 2700**

EST  
April 20, 1998